THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.23678 OF 1998

DATED: 20-06-2007

Between:

E. Pruthvi Raju

.. Petitioner

and

The Chairman and Managing Director, The Singareni Collieries Company Limited, Hyderabad and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.23678 OF 1998

ORDER:

This writ petition is filed seeking a mandamus declaring the proceedings No.P(PM)4/3208/1292, dated 08.08.1998, issued by the 2nd respondent, as illegal and arbitrary and to direct the respondents to regularize the services of the petitioner as clerk.

It appears, the petitioner was initially engaged as coal filler in Singareni Collieries Company Limited in the year 1987. Thereafter, in the year 1994, he was transferred to RG-IV Division to work in Civil Engineering Department as acting clerk. Subsequently, the RG-IV Civil Department staff came under the control of G.M. RG-OC-II and OC-III. While so, the respondent company and the trade unions entered into an agreement on 31.07.1997 regarding regularization of services of acting clerks working in the company. Pursuant to the said agreement, the 3rd respondent issued a circular calling for applications from the acting clerks. The petitioner also sent his application through proper channel. According to the petitioner, eversince his appointment as coal filler, his services were being utilized as clerk and, as per the memorandum of settlement, he is eligible for regularization of his services in the category of clerk, but his name was not included in the list for consideration. Therefore, he had to approach this Court by way of filing W.P.No.4915 of 1998 and the same was disposed of directing the respondents to consider the claim of the petitioner as per the settlement dated 31.07.1997. But, to his utter surprise, his claim was

rejected by the 2nd respondent, by an order dated 08.08.1998, on the ground that he was not having three years continuous service as acting clerk as on 31.10.1997, the date of settlement. Aggrieved by the same, the present writ petition is filed.

It appears, the case of the petitioner was rejected only on the ground that he had not put in three years of continuous service as an acting clerk as on 31.07.1997 i.e. the date of settlement entered into between the union and the management.

In the counter filed by the respondents, it is categorically asserted that in accordance with the provisions of the settlement dated 31.07.1997, Area General Managers were requested to forward the bio-data of the employees, who were engaged as clerks continuously for three years and above as on 03.10.1996. Accordingly, the Area General Managers have submitted the details of the employees, who were employed as clerks continuously for three years and above as on 03.10.1996. But, the case of the petitioner has not been recommended by the General Manager, Ramagundam Area-IV, along with the cases of others, as he was not having active service as clerk continuously for more than three years as on 03.10.1996.

Thus, the only ground on which the case of the petitioner for regularization was rejected is that he was not having three years of continuous service as acting clerk as on 03.10.1996. But, it appears, the petitioner did not put in three years of service as required under the settlement.

Be that as it may, this Court, by an order dated 30.12.1998 in W.P.M.P.No.44196 of 1998, directed the respondents to continue the petitioner in the post held by him as on the date of filing of the writ petition. In view of the same, it must be deemed that the petitioner is

continuing as acting clerk in the company for the last thirteen years.

Under these circumstances, I deem it appropriate to direct the respondents to reconsider the case of the petitioner for regularization of his services in the cadre of clerk from the date of completion of three years without insisting upon the cut-off date and pass appropriate orders as per law, within a period of two months from the date of receipt of a copy of this order and communicate the same to the petitioner.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

C.V. RAMULU, J

20th June, 2007.

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